

ORDINANCE NO. 2662

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS

WHEREAS, on the 2nd day of January 2019, a zoning application, denominated Change of Zone No. 1876, was filed on behalf of Robert M. and Debora A. Reed; and

WHEREAS, on the 9th day of May 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd of May 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1876 be approved; and

WHEREAS, on the 18th day of June 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR Medium-Density Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road approximately 152 feet northeast of Parker Run and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 6.113 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2662 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF JUNE 2019.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Robert M. and Debora A. Reed to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 6.113 acres, more or less (lying on the north side of Savannah Road, approximately 152 feet northeast of Parker Run) (Tax I.D. No. 335-12.06-1.00) (911 Address: 1525 Savannah Road, Lewes).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that James A. Fuqua, Jr., Esquire, with Fuqua, Willard, Stevens, & Schab, P.A., Applicants, Robert M. Reed and Debora A. Reed, and W. Zachary Crouch, P.E., with Davis, Bowen, & Friedel, Inc., were present at the Planning and Zoning Commission hearing, and Mr. Fuqua, Applicants and Ring Lardner, P.E., with Davis, Bowen, & Friedel, Inc., were present at the Council hearing on behalf of this application; that the application requests a Change in Zone from AR-1 to MR; that the Applicants purchased the property in September 2018; that the L-shaped parcel contains 6.1 acres, and has 160 feet frontage on Savannah Road, a depth of 670 feet, and 772 feet of width along the rear property line; that a house containing a chiropractor's office is located adjacent to the parcel, with the entrance road to the Villages of Five Points adjacent to that; that the north boundary of the property borders the Villages of Five Points; and that the site borders two lots in the Covey Creek Development to the east of the property.**
- C. Council also found that the surrounding area is trending towards small commercial uses and residential use; that the parcel is located in the State Spending Strategies Level 2; that the surrounding parcels are located in the State Spending Strategies Level 1 and Level 2; that the land use classification per the 2018 Comprehensive Plan, is "Coastal Area"; that the "Coastal Area" is a growth area and that the Plan states that a range of housing types is permitted in the "Coastal Area"; that the Plan states that while the County bases density on 2 units per acre being appropriate throughout the "Coastal Area", medium and high-density can be appropriate in certain locations; that the proposed project is not a high-density development; and that the proposed project is for MR zoning which is the Medium-Density Residential Zone.**
- D. Council further found that the property is adjacent to MR zoning; that the property north of the site is the Villages of Five Points and has large commercial use; that the property to the east of the site is Covey Creek Subdivision which is zoned MR; that the front portion of the property is adjacent to B-1 zoning as well as AR-1; that there is B-1 zoning across the street; that there is also C-1 zoning in the area; that there had been numerous approved Conditional Uses along the road; that there are about 12 Conditional Uses which include Application Nos. 2116, 2137 and 2160 and all were recently approved and on the same road; that the proposed application meets the permitted density and is consistent with the zoning in the area, the Code and the Land Use Plan; that the proposed development would have public water provided by Tidewater Utilities; that sewer would be provided by Sussex County; that Sussex County Engineering Department confirmed that the 24 units conform to the Engineering's Department system design assumption of 4 units per acre and that wastewater capacity is available; and that the site is near shopping areas, medical offices and Beebe Hospital.**

E. Based on the Planning and Zoning Commission's Findings (1 through 8) Council found that:

- 1. The site is along Savannah Road, which has developed with a variety of housing types and large and small businesses. There is MR zoning to the rear of this property and elsewhere in the vicinity. There are also properties with C-1, B-1, and conditional uses for business and office uses. MR zoning is consistent with the ongoing development trends of this area.**
- 2. In this general area, which is near the Five Points commercial area and the Wescoats Corner intersection, there are single-family homes, multi-family homes, townhouses, and a manufactured home community.**
- 3. The site is in the Environmentally Sensitive Developing Area according to the prior Comprehensive Plan and the Coastal Area of the current Sussex Comprehensive Plan, which is a Growth Area. MR zoning is appropriate in this area according to the Plan.**
- 4. The site is served by central sewer provided by Sussex County.**
- 5. The site is served by central water provided by a publicly regulated water system.**
- 6. The Sussex County Zoning Code states that the purpose of MR zoning is to provide Medium Density Residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is one of the last vacant parcels in this area of Savannah Road, and it is adjacent to MR zoning and office uses. It is basically an infill rezoning to MR. This location is appropriate for MR zoning according to the stated purpose of the District.**
- 7. The change in zone will not adversely affect neighboring properties or roadways.**
- 8. For all of these reasons, my recommendation is to approve the application for a change in zone from AR-1 to MR.**

F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.